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AUTHORITY: Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f.

SOURCE: 37 FR 3600, Feb. 17, 1972, unless otherwise noted.

GENERAL PROVISIONS

§ 76.1 Definitions.

For purposes of this part, the following terms shall have the meanings set forth in this section.

(a) *Administrator*. The Administrator of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any other official of such Service to whom authority has here-

tofore been delegated or may hereafter be delegated to act in his stead.

(b) *Deputy Administrator*. The Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, or any other Veterinary Services official to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(c) *Veterinary Services*. Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture.

(d) *Hog cholera*. The contagious, infectious and communicable disease of swine commonly known as hog cholera.

(e) *Exposed swine*. Any swine that have been in contact with animals known to be or suspected of being affected with hog cholera; any swine which have been inoculated with modified live virus vaccine after January 1, 1970; any swine which have been inoculated with any other virulent hog cholera virus at any time; any swine which have been inoculated with killed or inactivated hog cholera virus vaccine other than as provided in paragraph (w) of this section; or any swine which have been in contact with such vaccines.

(f) *Virulent hog cholera virus*. The living agent capable of causing hog cholera found:

(1) In the clear serum, plasma, defibrinated blood, whole blood or other tissue derived from pigs affected with hog cholera; or

(2) In any material used as a medium for perpetuating such living agent; or

(3) In living hog cholera virus vaccine commonly known as modified live virus vaccine.

(g) *Modified live virus vaccine*. A living hog cholera virus vaccine produced from a modified or attenuated strain of hog cholera virus and prepared under license from the Secretary of Agriculture, issued pursuant to Subchapter E of this chapter.

(h) *Killed or inactivated hog cholera virus vaccine*. A vaccine produced from killed or inactivated hog cholera virus and prepared under license from the Secretary of Agriculture, issued pursuant to subchapter E of this chapter.

(i) *Garbage*. Waste consisting in whole or in part of animal waste, including any waste animal carcasses or the offal

from such carcasses, or parts thereof, but excluding waste from ordinary household operations which is fed directly to swine on the same premises where such household is located.

(j) *Raw garbage.* Garbage that has not been heated throughout to boiling or equivalent temperature (usually 212 °F. at sea level) for 30 minutes, or heated according to a method approved in specific cases by the Deputy Administrator² as adequate to prevent the spread of hog cholera.

(k) *Food waste.* Edible waste (for animal use) derived from garbage that has been heated throughout to boiling or equivalent temperature (usually 212 °F. at sea level) for 30 minutes, or heated according to a method approved in specific cases by the Deputy Administrator² as adequate to prevent the spread of hog cholera.

(l) *State.* Any State, Puerto Rico, the United States Virgin Islands, or the District of Columbia.

(m) *Interstate.* From any State into or through any other State.

(n) *Quarantined area.* A State, or portion of a State, quarantined under § 76.2(e) because of hog cholera or other contagious, infectious, or communicable disease of swine.

(o) *Nonquarantined area.* Any State, or portion of a State, not quarantined under this part.

(p) *Person.* Any individual, corporation, company, association, firm, partnership, society, or joint stock company or other legal entity.

(q) *Moved.* Shipped, transported, or otherwise moved, or delivered or received for movement, by any person, by land, water, or air.

(r) *Approved livestock market.* A stockyard, livestock market, buying station, concentration point or any other premises, under State or Federal veterinary supervision where swine are assembled for sale or sale purposes, and which has been approved by the Deputy Administrator under § 76.18.

(s) *Nonapproved livestock market.* A stockyard, livestock market, buying station, concentration point or any

other premises, other than an approved livestock market, where swine are assembled for sale or sale purposes.

(t) *Recognized slaughtering establishment.* A slaughtering establishment where State or Federal meat inspection is available.

(u) *Swine product.* Any carcass, part or offal of swine, or product thereof.

(v) *Special processing.* Subjecting a swine product to heat treatment in accordance with the requirements contained in § 76.14.

(w) *Official vaccinates.* Swine which are permanently identified as official vaccinates; were reported at the time of vaccination to the appropriate State or Federal agency; have never received official serum prophylaxis; and were vaccinated against hog cholera prior to July 1, 1969, with a modified live virus hog cholera vaccine approved under this part prior to July 1, 1969, administered in accordance with the recommendations on the vaccine label, or were vaccinated prior to January 1, 1970, with a killed or inactivated hog cholera virus vaccine administered in accordance with the recommendations on the vaccine label.

(x) *Official serum prophylaxis.* The inoculation of swine with anti-hog-cholera serum or hog cholera antibody concentrate, as prescribed in § 76.17, under the supervision of a Federal or State veterinary official, with permanent identification of such swine as having been so inoculated.

(y) *Farm of origin.* A farm where the swine to be shipped interstate were born and which has not been used within the 6 months prior to such shipment to assemble, buy, or sell swine brought in from other sources.

(z) *Slaughter market.* An approved livestock market in a quarantined area, the approval of which has been suspended as provided in § 76.18(c), or an approved livestock market not located within a quarantined area at which swine for sale and shipment for slaughter are handled only on days when no swine are handled for sale and shipment for feeding or breeding purposes, and which is cleaned and disinfected in accordance with the requirements of this part before any

²Requests for approval of other methods may be made to the Veterinarian in Charge, Animal Health Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, for the State in question.

swine for feeding or breeding purposes are handled thereat.³

(aa)–(bb) [Reserved]

(cc) *Veterinary Services inspector.* A veterinarian or livestock inspector employed by Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, in animal health activities, who is authorized to perform the function involved.

(dd) *State inspector.* A veterinarian or livestock inspector regularly employed in animal health activities by a State or a political subdivision thereof, authorized by such State or political subdivision to perform the function involved under a cooperative agreement with the United States Department of Agriculture.

(ee) *Accredited veterinarian.* An accredited veterinarian as defined in part 160 of this chapter.

(ff) *State animal health official.* The State animal health official responsible for livestock and poultry disease control and eradication programs.

(gg) *Veterinarian in charge.* The veterinary official of Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, who is assigned by the Deputy Administrator to supervise and perform the official animal health work of the Animal and Plant Health Inspection Service in the State concerned.

(hh) *Vectors.* Any swine which have been in contact with animals known to be or suspected of being affected with hog cholera and which are or have been introduced into, marketed, or maintained in any State for purposes other than immediate slaughter and therefore may disseminate hog cholera.

[37 FR 3600, Feb. 17, 1972, as amended at 37 FR 26391, Dec. 12, 1972; 39 FR 44404, Dec. 24, 1974; 40 FR 53546, Nov. 19, 1975]

³Information concerning slaughter markets can be obtained from the Veterinarian in Charge, Animal Health Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, for the State in question.

§ 76.2 Notice relating to existence of the contagion or vectors of hog cholera and other swine diseases; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines.

(a) Notice is hereby given that the contagion or vectors of hog cholera exist in each area specified in paragraph (e) of this section and that the contagion of hog cholera and other communicable diseases of swine may exist in each State.

(b) Notice is hereby given that the Administrator has determined that the prohibition of the interstate movement of any hog cholera virus, except as specified in § 76.4, is necessary in order to effectuate the eradication of hog cholera.

(c) Notice is hereby given that there is reason to believe raw garbage is one of the primary media through which the contagion of hog cholera, swine erysipelas, trichinosis, tuberculosis, and other contagious, infectious, or communicable diseases of swine is disseminated. Further, there is reason to believe that if certain foreign diseases, such as foot-and-mouth disease and African swine fever, gain entrance into the United States, the contagion of such diseases may be spread through the medium of raw garbage. Therefore, the regulations in this part with respect to raw garbage are deemed necessary in order to more effectually prevent, suppress, and extirpate such diseases, to prevent the interstate spread thereof, and to guard against the dissemination of diseases from foreign countries.

(d) Notice is hereby given that in order to effectually suppress and extirpate hog cholera and other contagious, infectious, and communicable diseases of swine, to prevent the spread and dissemination of the contagion thereof and to protect the livestock of the United States, the regulations in this part are promulgated to govern the interstate movement of swine and swine products.